

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14737, of A. Ejtemai and G & R Mostaghim, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to change a nonconforming use from a taxicab company, including repairs and maintenance, to auto repairs and maintenance, first floor, in an R-4 District at premises 601 Rhode Island Avenue, N.W., (Square 442, Lot 852).

HEARING DATE: January 27, 1988  
DECISION DATE: February 3, 1988

FINDINGS OF FACT:

1. The premises, known as 601 Rhode Island Avenue, N.W., is located at the northwest corner of the intersection of Rhode Island Avenue and 6th Street. The site is zoned R-4.
2. The site is an irregular shaped quadrilateral containing approximately 3,440 square feet of land area. It has frontage of approximately 52.17 feet on 6th Street and 42.63 feet on Rhode Island Avenue.
3. The site is improved with a one-story brick structure located on the western and southern portion of the site. The open portion of the site is paved with asphalt and concrete. Adjoining the site to the north is a vacant lot with asphalt pavement.
4. The site is adjacent to C-2-A District located to the southeast. The area is characterized by single-family row houses, some of which have been converted to multi-family use and others to commercial uses particularly at corner locations. The site is diagonally across the street from a used-car lot. Rhode Island Avenue is a heavily traveled arterial street.
5. As captioned above, the applicants are seeking a special exception to change nonconforming use of a taxicab company including repairs and maintenance to an auto repair and maintenance operation at the site.
6. A taxicab company including repairs and maintenance is first permitted as a matter-of-right in the C-M-1 District as is an auto repair and maintenance shop.

7. The site is now surrounded by a six-foot high chain link fence and is fully used as a vehicular parking lot.

8. The taxi company was established as a special exception in 1967. Prior to that a gas station was operated on the site.

9. The hours of operation will be from 7:30 A.M. through 7:00 P.M. Monday through Friday and half a day on Saturdays. Three employees will will work at the site.

10. By memorandum dated January 19, 1988, the Office of Planning (OP) recommended approval of the application provided that the hours and days of operation be limited from 8:00 A.M. to 7:00 P.M., Monday through Friday, and that the existing chain link fence be replaced. The new fence should be no taller than three feet and screened from the street with evergreen planting material. The fence and the planting material should be maintained in good condition at all times. No illuminated signs should be erected or attached to the building. Any new sign should be limited to a maximum of 18 inches in height and 36 inches in length. The wall adjacent to the residential building to the west should be insulated for noise. The Board concurs with the recommendation of the OP and also concurs that the site should be screened.

11. Advisory Neighborhood Commission (ANC) 2C submitted no report on the application. The ANC Commissioner for Single Member District (SMD) 2C05 and a neighbor of the site, testified that she and members of the community were concerned about the appearance of the site and the commercial use of the site. The Board finds that the appearance of the property has been and as conditioned below will continue to be improved. The Board notes that the site may continue to be used as a cab company including repairs without approval of the Board but that as conditioned below the effects of the auto repair business will be minimized.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 3108.1 and Section 2003 of 11 DCMR. The Board concludes that the applicant has met its burden of proof. Both the previous and proposed uses are first permitted as a matter-of-right uses in the C-M-1 District. The proposed use, as conditioned below shall not adversely affect the present character or future development of the surrounding area nor will the use create any deleterious external effects. The Board notes that the previous use of the site could be continued and likely generated more traffic than the proposed use.

The Board concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The existing chain link fence shall be moved back three feet from the property line.
2. The area between the fence and property line around the perimeter of the site shall be planted with columnar arborvitae a minimum of five feet in height at three foot intervals. The landscaping shall be maintained in a healthy growing condition.
3. There shall be only one vehicular entrance to the premises. Vehicles shall enter the site through the existing driveway entrance on Rhode Island Avenue only.
4. There shall be no body work done on the subject premises.
5. All repair work shall take place in the interior of the structure.

VOTE: 5-0 (John G. Parsons, Paula L. Jewell, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: APR 21 1998 \_\_\_\_\_

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14737/LJP34

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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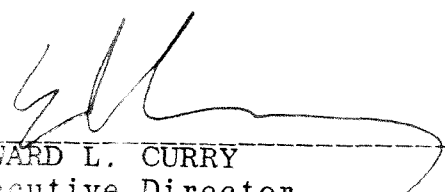
APPLICATION No. 14737

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 21 1985, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY  
Executive Director

DATE: APR 21 1985